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09/941,239	08/28/2001	Michael E. Sears	4000.2.57	5262

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EXAMINER	
VAN HANDEL, MICHAEL P	
ART UNIT	PAPER NUMBER
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/941,239	SEARS, MICHAEL E.	
	Examiner	Art Unit	
	Michael Van Handel	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-22,25-42 and 45-64* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 5-22, 25-42, 45-64* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Miscellaneous

1. Please note that the examiner of record has changed.

Response to Amendment

1. This action is responsive to an Amendment filed 1/05/2007. Claims **1, 2, 5-22, 25-42, 45-64** are pending. Claims **1, 5, 6, 21, 25, 26, 41, 42, 45-64** are amended. Claims **3, 4, 23, 24, 43, 44** are canceled. The examiner hereby withdraws the rejection of claims **41-60** under 35 U.S.C. 112, second paragraph in light of the amendment.

Allowable Subject Matter

1. The indicated allowability of claims **4-7, 24-27,** and **44-47** is withdrawn in view of Bruno et al. and Schultheiss. Rejections based on the reference(s) follow.

Claim Objections

1. Claims **8, 28,** and **48** are objected to because of the following informalities:

Referring to claims **8, 28,** and **48,** the examiner notes that the claims depend from previously cancelled claims. The examiner recommends that the claims be changed to depend from claims 1, 21, and 41, respectively. The examiner addresses the claims in the Office Action below as though the recommended changes have been made.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims **20**, **40**, and **60** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Referring to claims **20**, **40**, and **60**, the examiner fails to find support in the applicant's specification for a method/system/computer-readable medium as recited in claims 1, 21, and 41, respectively, in which the video signals are cached within the second device (that is, the non-video-enabled device that is not capable of displaying video signals, but is capable of performing two-way audio communication). The applicant's specification states that the caching may be performed in a server in an intermediate node linking the two devices or within the video-enabled device (p. 1, paragraph 19; p. 5, paragraphs 70, 72; & p. 6, paragraph 82). For the purposes of art evaluation, the examiner shall interpret the second device as including the caching component of the broadcast center 110, the cellular telephone 124, and the network connections between the two. This interpretation is used in addressing claims 20, 40, and 60 in the Office Action below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1, 2, 6-12, 14-22, 26-32, 34-42, 46-52, 54-60, 63** are rejected under 35 U.S.C. 102(b) as being anticipated by Bruno et al.

Referring to claims **1, 21, 41,** and **63**, Bruno et al. discloses a method/system/computer-readable medium for enabling communication between video-enabled and non-video-enabled communication devices, the method/system/computer-readable medium comprising:

- detecting a request to establish video communication between a first device and a second device (col. 5, l. 41-54; col. 6, l. 5-6; col. 8, l. 30-25; & Fig. 1);
- determining that the second device is not capable of displaying video signals (col. 9, l. 23-33);
- establishing two-way audio communication between the first and second devices (col. 9, l. 23-29);
- capturing video signals generated by the first device during the two-way audio communication (col. 5, l. 33-40; col. 6, l. 1-12, 24-46; & col. 9, l. 12-23);
- in response to determining that the second device is not capable of displaying video signals, caching the captured video signals for subsequent display after the two-way audio communication is concluded (the examiner notes that the video signals of Bruno et al. are always stored for subsequent retrieval. The examiner interprets this

as "caching the captured video signals for subsequent display" as currently claimed)(col. 5, l. 33-37);

- receiving a request from a terminal to transmit the cached video signals, wherein the request to transmit the cached video signals comprises a locator link indicating a stored location of the cached video signals (the examiner notes that an accessor retrieves a recorded video segment from a previously recorded conference by way of a variety of categories. The examiner further notes that in retrieving a particular video segment, the accessor is inherently indicating a stored location of the video segment)(col. 6, l. 9-12, 24-31, 39-46 & col. 9, l. 12-23, 40-60);
- retrieving the cached video signals from a storage device (col. 9, l. 12-23, 40-60); and
- transmitting the video signals to the terminal (col. 9, l. 40-60).

Referring to claims **2**, **22**, and **42**, Bruno et al. discloses the method/system/computer-readable medium of claims 1, 21, and 41, respectively, further comprising capturing audio signals generated by the first and second devices during the two-way audio communication and caching the captured audio signals (col. 5, l. 33-40; col. 6, l. 1-12, 24-46; & col. 9, l. 12-23, 40-60).

Referring to claims **6**, **7**, **26**, **27**, **46**, and **47**, Bruno et al. discloses the method/system/computer-readable medium of claims 1, 21, and 41, respectively, wherein caching comprises transmitting the locator link to a user of the non-video-enabled device and the locator link is transmitted to the user via a messaging system (the examiner notes that pre-recorded conference information can be retrieved from a menu of options sent to the user via a voice response unit (VRU)(col. 9, l. 34-49).

Referring to claims **8**, **28**, and **48**, Bruno et al. discloses the method/system/computer-readable medium of claims 1, 21, and 41, respectively (see claim objections above), wherein the terminal comprises a display screen, the method further comprising displaying the video signals on the display screen of the terminal (col. 9, l .55-57).

Referring to claims **9**, **29**, and **49**, Bruno et al. discloses the method/system/computer-readable medium of claims 2, 22, and 42, respectively, further comprising:
receiving a request from a terminal to transmit the cached video and audio signals; retrieving the cached video and audio signals from a storage device; and transmitting the video and audio signals to the terminal (col. 5, l. 33-40; col. 6, l. 24-31; & col. 9, l. 18-23, 55-60).

Referring to claims **10**, **30**, and **50**, Bruno et al. discloses the method/system/computer-readable medium of claims 9, 29, and 49, respectively, wherein the terminal comprises a display screen and a speaker (col. 5, l. 12-19), the method/system/computer-readable medium further comprising:

- displaying the video signals on the display screen of the terminal (col. 9, l. 55-57); and
- synchronously outputting the audio signals on the speaker of the terminal (col. 9, l. 18-23).

Referring to claims **11**, **31**, and **51**, Bruno et al. discloses the method/system/computer-readable medium of claims 1, 21, and 41, respectively, wherein caching comprises encoding the video signals in a compressed format; and storing the encoded video signals in a storage device (col. 8, l. 20-67 & col. 9, l. 1-11).

Referring to claims **12**, **32**, and **52**, Bruno et al. discloses the method/system/computer-readable medium of claims 11, 31, and 51, respectively, wherein the compressed format comprises a form of predictive coding (the examiner notes that in content-based sampling, the number of samples to be taken is dependent on the current amount and frequency of movement at the workstation)(col. 8, l. 61-67 & col. 9, l. 1-2).

Referring to claims **14**, **34**, and **54**, Bruno et al. discloses the method/system/computer-readable medium of claims 1, 21, and 41, respectively, wherein the first device comprises a camera for capturing video signals (col. 5, l. 17-18).

Referring to claims **15**, **35**, and **55**, Bruno et al. discloses the method/system/computer-readable medium of claims 1, 21, and 41, respectively, wherein the first device is selected from the group consisting of a video-enabled telephone, a video-enabled cellular telephone, a video-enabled personal computer (col. 5, l. 12-18), a video-enabled interactive television (ITV) system, and a video-enabled personal digital assistant (PDA).

NOTE: The USPTO considers the applicant's "selected from the group consisting of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **16**, **36**, and **56**, Bruno et al. discloses the method/system/computer-readable medium of claims 1, 21, and 41, respectively, wherein the second device is selected from the group consisting of a non-video-enabled telephone (col. 9, l. 23-33), a non-video-enabled cellular telephone, a non-video-enabled personal computer, a non-video-enabled interactive television (ITV) system, and a non-video-enabled personal digital assistant (PDA).

NOTE: The USPTO considers the applicant's "selected from the group consisting of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **17**, **37**, and **57**, Bruno et al. discloses the method/system/computer-readable medium of claims 1, 21, and 41, respectively, wherein the video signals are cached by a server (control unit 30, multipoint control unit (MCU) 26, and digital computer 32) coupled to the first and second devices by at least one network (col. 5, l. 33-40 & Fig. 1).

Referring to claims **18**, **38**, and **58**, Bruno et al. discloses the method/system/computer-readable medium of claims 17, 37, and 57, respectively, wherein the at least one network comprises at least one of a cable television network, a direct satellite broadcast (DBS) network, a wide-area network (WAN), a local-area network (LAN), a telephone network (col. 9, l. 23-27), and the Internet.

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **19**, **39**, and **59**, Bruno et al. discloses the method/system/computer-readable medium of claims 17, 37, and 57, respectively, wherein the server is located within a broadcast center associated with the at least one network (the examiner notes that the MCU displays the video of the loudest speaking user/conferee on each of the other users' workstations. Since all of the other users receive the same video, the examiner interprets the MCU, digital computer, and control unit to be a broadcast center associated with the network)(col. 4, l. 67).

Referring to claims **20**, **40**, and **60**, Bruno et al. discloses the method/system/computer-readable medium of claims 1, 21, and 41, respectively, wherein the video signals are cached within the second device (the examiner interprets the second device to include the voice-only telephone 34, the voice response unit (VRU) 38, and the digital computer 32. See rejection under 35 USC 112 above)(Fig. 1).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **5**, **25**, **45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. in view of Milewski et al.

Referring to claims **5**, **25**, and **45**, Bruno et al. discloses the method/system/computer-readable medium of claims 1, 21, and 41, respectively. Bruno et al. further discloses recording and indexing the participants of and data exchanged or transmitted during a multimedia conference, such as a videoconference (col. 3, l. 19-24, 35-40; col. 5, l. 33-40; & col. 6, l. 1-12, 24-31). Bruno et al. does not disclose that the locator link comprises a Universal Resource Locator (URL). Milewski et al. discloses generating URLs for each segment of an archived video. The viewer uses the URL to access the archived video at particular point of interest in the future (col. 2, l. 1-19). The user requests a URL for future access of the video with a telephone or PDA (col. 6, l. 50-63 & col. 7, l. 1-6). A server then sends the URL of the archived program to the user's PC (for example, by electronic mail (e-mail)), so that the archived video can be retrieved by the user in the future)(col. 4, l. 56-61 & 12-22). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the archived videoconference retrieval system of Bruno et al. to include using a URL to retrieve the video

signals, such as that taught by Milewski et al. in order to allow bookmarking archived items of interest for future reference purposes (Milewski et al. col. 1, l. 50-52).

3. Claims **13, 33, 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al.

Referring to claims **13**, **33**, and **53**, Bruno et al. discloses the method/system/computer-readable medium of claims 11, 31, and 51, respectively. Bruno et al. further discloses sampling and compressing video signals using content-based sampling methods and storing the video signals in a memory (col. 8, l. 65-67 & col. 9, l. 18-23). Bruno et al. does not disclose that the storage device is selected from the group consisting of a magnetic storage device, an optical storage device, and a random access memory (RAM); however, the examiner takes Official Notice that it is notoriously well known within the prior art to store compressed video in a magnetic storage device. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the storage of Bruno et al. to include storing the compressed video on a magnetic storage device, such as that taught by the prior art in order to provide more memory storage space at a low cost.

NOTE: The USPTO considers the applicant's "selected from the group consisting of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

4. Claims **61, 62, 64** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. in view of Schultheiss.

Referring to claims **61**, **62**, and **64**, Bruno et al. discloses a method/system for enabling communication between an audio/video conferencing workstation terminal and non-video-enabled communication device, the method comprising:

- detecting a request to establish video communication between the audio/video conferencing workstation and the non-video-enabled communication device (col. 5, l. 41-54; col. 6, l. 5-6; col. 8, l. 30-25; & Fig. 1);
- determining that the non-video-enabled communication device is not capable of displaying video signals (col. 9, l. 23-33);
- establishing two-way audio communication between the audio/video conferencing workstation and the non-video-enabled communication device (col. 9, l. 23-29);
- capturing video and audio signals generated by the audio/video conferencing workstation during the two-way audio communication (col. 5, l. 33-40; col. 6, l. 1-12, 24-46; & col. 9, l. 12-23);
- in response to determining that the non-video-enabled communication device is not capable of displaying video signals, caching the captured video and audio signals within a storage device for subsequent display and playback after the two-way audio communication is concluded (the examiner notes that the video signals of Bruno et al. are always stored for subsequent retrieval. The examiner interprets this as "caching the captured video signals for subsequent display" as currently claimed)(col. 5, l. 33-37);
- receiving a request from a terminal to transmit the cached video and audio signals, wherein the request to transmit the cached video signals comprises a locator link

indicating a stored location of the cached video signals (the examiner notes that an accessor retrieves a recorded video segment from a previously recorded conference by way of a variety of categories. The examiner further notes that in retrieving a particular video segment, the accessor is inherently indicating a stored location of the video segment)(col. 6, l. 9-12, 24-31, 39-46 & col. 9, l. 12-23, 40-60);

- retrieving the cached video and audio signals from the storage device (col. 9, l. 12-23, 40-60); and
- transmitting the video and audio signals to the terminal for display and playback thereon (col. 9, l. 40-60).

Bruno et al. does not disclose that the audio/video conferencing workstation terminal be an interactive television system. Schultheiss discloses a personal computer that is used to relay audio and video telephone communications between external telephone networks and a television (col. 1, l. 43-50 & col. 2, l. 12-15). A television interface unit includes a video camera and a microphone, which are used to produce a video telephone signal (col. 2, l. 48-50). Schultheiss further discloses allows a user to participate in audio or video conferences (col. 4, l. 36-38; col. 7, l. 64-67; & col. 8, l. 1-4). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the audio/video conferencing workstation terminal of Bruno et al. to be a television video telephone system, such as that taught by Schultheiss in order to allow participation in a video conference from a device at which individual and family gatherings often occur (Schultheiss col. 1, l. 55-59 & col. 7, l. 64-67).

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bruno et al. (US 6,020,915) discloses a method and system for providing an analog voice-only endpoint with pseudo multimedia service.

Wild discloses a video telephone call handling system and method.

Checco discloses a messaging architecture supporting digital and analog media.

Agraharam et al. discloses a network based platform that uses speech recognition and key scene events to index multimedia communications.

Menard et al. discloses a centralized broadcast channel real-time search system.

Allen et al. discloses an image answering machine.

Silverman discloses a method and apparatus for web messaging.

Gonsalves, JR. discloses a video messaging and video answering apparatus.

Shaw et al. discloses an audio/video transceiver provided with a device for reconfiguration of incompatibly received or transmitted video and audio information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH

SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER